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Thailand

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (2003) ICESCR (1999) ICCPR (1996) CEDAW (1985) CAT (2007) CRC (1992) OP-CRC-AC (2006) OP-CRC-SC (2006) CRPD (2008)	ICPPED (signature, 2012)	ICCPR-OP 2 OP-CAT ICRMW ICPPED (signature, 2012)
Reservations and/or declarations	ICERD (interpretative declaration, 2003; reservations, art. 4 (a) (b) and (c) and art. 22, 2003) ICESCR (declaration, art. 1 (1), 1999) ICCPR (declaration, art. 1 (1) and art. 20, 1996) CEDAW (declaration, 1985; reservation, art. 29 (1), 1985; withdrawal of reservation, art. 11 (1) (b) and art. 15 (3), 1991; withdrawal of reservation, art. 9 (2), 1992) CAT (interpretative declaration, art. 1, art. 4 and art. 5, 2007; reservation, art. 30 (1), 2007) CRC (reservation, art. 22, 1992; withdrawal of reservation, art. 29, 1997; withdrawal of reservation, art. 7, 2010) OP-CRC-AC (declaration, art. 3 (2): 18 years, 2006)	ICCPR (withdrawal of declarations, art. 6 (5) and art. 9 (3), 2012) CEDAW (withdrawal of reservation, art. 16, 2012) CRPD (withdrawal interpretative declaration, art. 18, 2015)	

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Complaints procedures, inquiries and urgent action[3]	OP-CEDAW, art. 8 (2000) CAT, art. 20 (2007)	OP-CRC-IC, arts. 12 and 13 (2012) ICPPED (signature, 2011)	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 ICCPR-OP 1 CAT, arts. 21 and 22 OP-CRC-IC, art. 12 ICRMW OP-CRPD ICPPED (signature, 2011)

2. Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession			Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[5] Conventions on refugees and stateless persons[6]
	Geneva Conventions of 12 August 1949[7]		Additional Protocol I, II and III to the 1949 Geneva Conventions[8]
	ILO fundamental conventions except Nos. 87, 98 and 111[9]		ILO Conventions Nos. 169 and 189[10] Convention against Discrimination in Education

1. Several treaty bodies encouraged Thailand to ratify OP-ICESCR, ICCPR-OP1, ICCPR-OP 2, OP-CAT, OP-CRPD, ICRMW and ICPPED.[11]

2. In 2014, the Committee against Torture recommended that Thailand consider withdrawing the declarations to articles 1, 4 and 5 of the Convention.[12] In 2012, the Committee on the Rights of the Child recommended the withdrawal of its reservation concerning article 22.[13] In 2012, the Committee on the Elimination of Racial Discrimination urged Thailand to withdraw its interpretative declaration on the Convention[14] and its reservation to article 4.[15]

3. The Committee on the Rights of the Child and United Nations country team in Thailand recommended ratifying the Conventions on Statelessness,[16] the Convention against Discrimination in Education[17] and ILO Convention No. 189.[18] The Committee on the Elimination of Racial Discrimination encouraged Thailand to pursue the universal periodic review commitment to review its position on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.[19]

4. The Special Rapporteur on trafficking in persons, especially women and children, recommended that the Government of Thailand ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ICRMW and ILO Convention No. 189.[20]

5. In 2015, the Committee on Economic, Social and Cultural Rights[21] encouraged Thailand to ILO Convention No. 169. The same Committee recommended considering ratifying ILO Work in Fishing Convention, 2007 (No. 188)[22] and Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).[23]

B. Constitutional and legislative framework

6. In the light of the ongoing constitutional reform, the Committee on Economic, Social and Cultural Rights invited Thailand to give direct constitutional recognition to the Covenant to guarantee its enforceability by courts.[24]

7. The United Nations High Commissioner for Human Rights and the country team expressed concerns that, following the military coup in May 2014, the Interim Constitution gave unfettered powers to the National Council for Peace and Order to give any order deemed necessary and that the orders issued by the Council, regardless of their executive, legislative and judicial force, were deemed to be legal, constitutional and conclusive.[25]

8. The country team recommended that the new constitution drafting process be inclusive and participatory, and that the key democratic and human rights principles be incorporated in the new constitution in line with the obligations of Thailand under international human rights law.[26]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[27]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[28]
National Human Rights Commission of Thailand	A (2008)	B (2016)

9. The Committee on Economic, Social and Cultural Rights was concerned about the institutional shortcomings of the National Human Rights Commission of Thailand recommending that all necessary measures be taken, including the recommendations made by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, to ensure that the Commission is a fully independent institution to fulfil its mandate in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[29] The Committee on the Rights of Child urged Thailand to establish a special unit for children.[30]

10. The country team noted the third National Human Rights Action Plan (2014-2018) and expressed concern that implementation challenges remained owing to bottlenecks in the coordination mechanism, a lack of understanding of the policies at the implementation level, the insufficient and/or uncoordinated data system, insufficient budget and in some cases, the poor quality of some of the policies.[31]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial Discrimination			August 2012	Combined fourth to seventh reports due in 2016
Committee on Economic, Social and Cultural Rights	-	2012	June 2015	Third report due in 2020
Human Rights Committee	July 2005	2015	-	Second report pending consideration
Committee on the Elimination of Discrimination of Women	February 2006	2015	-	Combined sixth to seventh reports pending consideration
Committee against Torture	-	2013	May 2014	Second report due in 2018
Committee on the Rights of the Child	January 2006		February 2012 (CRC, OP-CRC-AC and OP-CRC-SC, 2012)	Combined fifth to sixth reports due 2017
Committee on the Rights of Persons with Disabilities	-	2012	-	Initial report pending consideration in 2016

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Committee on the Elimination of Racial	2013	Situation of Malayu women; application of special laws in the southern border provinces;	2014.[33] Follow-up dialogue ongoing[34]

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Discrimination		refugees and asylum seekers[32]	
Committee against Torture	2015	Legal safeguards for detained persons; investigations of allegations of torture by law enforcement personnel; and prosecuting suspects and sanctioning perpetrators of torture or ill-treatment[35]	2015.[36] Follow-up dialogue ongoing

B. Cooperation with special procedures[37]

	Status during previous cycle	*Current status*
Standing invitation	No	Yes
Visits undertaken	Human rights defenders	Trafficking
		Water and sanitation
Visits agreed to in principle	Trafficking	Torture
	Sale of children	
Visits requested	Health	Disappearances
	Freedom of opinion and expression	Human rights and counter-terrorism
	Summary execution	Human rights defenders
	Minority	Food
	Arbitrary detention	Freedom of association and assembly
	Housing	Racism
	Water and sanitation	Internally displaced persons
	Counter terrorism	Extreme poverty
	Migrants	Disposal of hazardous substances and wastes
	Food	Sale of children
	Human rights defenders	Minority issues
		Arbitrary detention
Responses to letters of allegation and urgent appeals	During the period under review, 39 communications were sent and the Government replied to 30 of them.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

11. Thailand contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013, 2014 and 2015.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

12. The Committee on Economic, Social and Cultural Rights recommended that Thailand adopt a comprehensive anti-discrimination law that includes all the grounds for discrimination set out in article 2 of the Covenant.[38]

13. The Committee on Economic, Social and Cultural Rights noted the adoption of the Gender Equality Act 2015, but was concerned that the Act permitted discrimination against women, inter alia, on grounds of religious practice and national security.[39]

14. The Committee on the Elimination of Racial Discrimination urged Thailand to introduce a definition of racial discrimination into its legislation, in accordance with article 1 of the Convention, and to make it an offence punishable by law.[40]

15. The Committee on the Elimination of Racial Discrimination remained seriously concerned at the discriminatory impact of the application of the special laws in force in the southern border provinces, including reports of identity checks and arrests carried out on the basis of racial profiling, as well as reports of torture and enforced disappearance of Malayu Thais.[41] It was also concerned by reports that Malayu women were facing double discrimination in many fields of political and social life.[42]

B. Right to life, liberty and security of the person

16. The country team expressed concern about the inclusion of the death penalty in the new Anti-Corruption Law urging Thailand to repeal the clause expanding the use of the death penalty for economic crimes.[43]

17. The Committee against Torture remained seriously concerned at: the absence of a definition of enforced disappearance and the absence of the recognition of enforced disappearance as an offence in the domestic legislation; the continuing and numerous alleged cases of enforced disappearance, in particular against human rights, anti-corruption and environmental activists, as well as witnesses of human rights violations; and the failure to resolve most cases of enforced disappearance, provide remedy to the relatives of missing persons, and prosecute those responsible.[44] The Committee on Economic, Social and Cultural Rights expressed related concerns.[45]

18. The High Commissioner for Human Rights urged the Government to take decisive and sustained efforts to investigate the whereabouts of at least 82 people listed as disappeared, including respected lawyer Somchai Neelapaijit who went missing nearly twelve years ago. The High Commissioner also called on the Government to criminalize enforced disappearance in legislation, in line with international standards, and to ratify ICPPED.[46]

19. OHCHR expressed concern that the rights of poor communities in maintaining access to land and livelihood were not being upheld and urged the Government to comply with its international human rights obligations in pursuing its land policies. Particular concern was expressed that the push of the National Council for Peace and Order for quick solutions had led to violations of international human rights standards, including the failure to ensure free, prior and informed consent of communities, violence, intimidation and threats against those seeking to defend community rights and, at times, forced evictions.[47] The Committee on Economic, Social and Cultural Rights also urged Thailand to adopt a human rights-based approach in its development projects and to ensure access to land and adequate housing for all.[48]

20. The Committee against Torture urged Thailand to adopt a definition of torture that covers all the elements contained in article 1 of the Convention, to include torture as a separate and specific crime in its legislation and ensure that penalties for the crime of torture are commensurate with the gravity of the crime, and to ensure that acts amounting to torture are not subject to any statute of limitation.[49]

21. The same Committee remained seriously concerned about the numerous, ongoing and consistent allegations about the routine use of torture and ill-treatment by security and military officials in the southern border provinces to obtain confessions. That situation was exacerbated by the application of three special laws, which provided broad emergency powers to the security and military forces outside of judicial control.[50] It urged Thailand to ensure that the application of martial law does not, under any circumstances, contradict the rights guaranteed in the Convention.[51]

22. Similarly, the country team noted that in southern border provinces, the martial and special emergency laws had been in effect for more than ten years as a response to the armed insurgency. Those laws had negative implications on the rule of law, including due process guarantees. They also significantly curtailed citizens' fundamental freedoms, put them at risk of intimidation and harassment by authorities and created an environment of impunity whereby security forces were systematically not held accountable for human rights abuses, including torture, extrajudicial killing, and other violations. Insurgent groups routinely targeted civilians, either for targeted assassination or as collateral damage. Access to information remained challenging in the light of the nationwide ban on community radio stations after the coup. The country team expressed particular concern about the current practice of the security forces collecting DNA samples, which had resulted in the intimidation, harassment and detention of youths, including children of Malay ethnicity.[52]

23. The Committee against Torture recommended that Thailand reaffirm the absolute prohibition of torture and publicly condemn all practices of torture, accompanied by a clear warning that anyone committing such acts or complicit or participating in torture will be held personally responsible before the law and subjected to criminal prosecution.[53] It remained deeply concerned at the climate of de facto impunity for acts of torture, recommending that Thailand ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes.[54]

24. The same Committee remained seriously concerned at the extremely high levels of overcrowding and harsh conditions prevailing in detention facilities, including immigration detention centres.[55] The Committee on Economic, Social and Cultural Rights recommended that Thailand ensure that asylum seekers, refugees, and migrants be detained only when absolutely necessary and the time of detention is limited to a strict minimum.[56]

25. The Committee against Torture recommended that Thailand put an immediate halt to harassment and attacks against human rights defenders, journalists and community leaders

and systematically investigate all reported instances of intimidation, harassment and attacks to prosecute and punish perpetrators, and guarantee effective remedies to victims and their families.[57]

26. The same Committee welcomed efforts to combat violence against women, in particular by criminalizing of domestic violence under section 4 of the 2007 Domestic Violence Victim Protection Act. It was concerned at the low level of prosecution for sexual and domestic violence and regretted that, in practice, domestic violence was treated as a private matter.[58] It recommended that Thailand further address all forms of gender-based violence and abuse by revising the relevant provisions of the Penal Code, the Criminal Procedure Code and the Domestic Violence Victim Protection Act.[59]

27. The Committee on the Rights of Child was concerned that corporal punishment remained lawful in the home and article 1,567 of the Civil and Commercial Code stated that those with parental authority over children had a right to impose "reasonable" punishment for the purpose of discipline.[60]

28. The Committee on Economic, Social and Cultural Rights was concerned that child labour was still widespread, including in agriculture, fishing and the informal economy, and that many children continued to be exploited in the child sex tourism industry. The Committee recommended that Thailand combat child sex tourism, including by establishing and implementing a comprehensive regulatory framework and strengthening international cooperation and advocacy with the tourism industry.[61]

29. The Committee on the Rights of the Child welcomed the 2011 ministerial regulation that prohibited persons below the age of 18 from taking part in village defence training. It was concerned about reports of informal association of children by the village defence militia Chor Ror Bor in the southern border provinces, who carried out the same or similar duties as formal members.[62] It recommended that Thailand explicitly criminalize by law the recruitment and involvement of children in armed forces, village defence militias or non-State armed groups.[63]

30. The Committee on the Rights of Child recommended that Thailand ensure that schools are not disrupted by State military and paramilitary units and protected from attacks by non-State armed groups, provide as a matter of priority psychosocial support and services to the children affected by armed violence and expedite the adoption of the Plan of Action on the Protection and Development of Children and Youth in the Southern Border Provinces.[64]

31. The Special Rapporteur on trafficking recommended that the Government develop and build capacity for systematic data collection, disaggregated by age and gender.[65] The Committee on Economic, Social and Cultural Rights called on Thailand to fully implement the recommendations of the Special Rapporteur on trafficking in persons.[66]

32. The Special Rapporteur on trafficking reiterated that shelters should provide safe space for trafficked persons' recovery and reintegration, and that the Ministry of Social Development and Human Security should provide comprehensive and individually tailored assistance.[67]

C. Administration of justice, including impunity, and the rule of law

33. The country team noted that section 44 of the Interim Constitution provided unlimited executive, judicial and legislative power to the head of the National Council for Peace and Order without any oversight, and that order No. 3/2015 of the National Council for Peace and Order granted law enforcement powers to a broad range of soldiers, including the power to detain anybody without judicial review for seven days. It also noted that, since

the coup d'état, at least 856 civilians had been tried in the military court raising a number of concerns, including the capacity and independence of the military courts and right to fair trial. Moreover, more than 1,200 people had been summoned, arrested, and/or detained by the military since the coup.[68]

34. OHCHR also called on the Government to stop using military facilities to hold civilian detainees.[69] The Committee against Torture recommended that Thailand ensure the effective monitoring and inspection of all places of detention through regular and unannounced visits by independent national and international monitors to prevent torture and other cruel, inhuman or degrading treatment or punishment.[70]

35. The Committee against Torture recommended that Thailand ensure that victims of torture and ill-treatment receive redress.[71]

36. The Committee on the Rights of Child remained concerned that the minimum age of criminal responsibility, which had been raised from 7 years to 10 years, still remained below internationally acceptable standards. It recommended that Thailand raise the minimum age of criminal responsibility, and to ensure that children are detained separately from adults and promote alternative measures to detention wherever possible.[72]

37. The Committee on Economic, Social and Cultural Rights was concerned at reports indicating widespread and pervasive corruption. It recommended that Thailand address the underlying causes, enhance the effectiveness of the legal, structural and policy measures to combat corruption and ensure protection to victims of violations of economic, social and cultural rights caused by corruption and their lawyers, as well as to whistle-blowers and witnesses of corruption cases.[73] The Committee against Torture was concerned about the consistent cases of attacks against witnesses in criminal cases, recommending the amendment of Witness Protection Act to ensure that witnesses and their family members are effectively protected and assisted.[74]

D. Right to privacy, marriage and family life

38. The Committee on the Rights of Child was concerned that the media did not fully respect the children's right to privacy in their reporting and that children's identity could often be established, especially in sensitive cases of child abuse and exploitation and under the juvenile justice system.[75]

39. While welcoming that the legal minimum age of marriage was 17 years for both boys and girls, the Committee on the Rights of Child expressed concern that the age limit could be lowered to 13 years in cases where children were sexually abused and could consequently marry the perpetrators, who in turn avoided any criminal prosecution for the crime.[76]

40. The Committee on Economic, Social and Cultural Rights remained concerned that a large number of births were not registered in practice.[77] The Committee on the Rights of Child recommended that Thailand ensure birth registration for all children born on its territory, especially those who are not registered due to the economic status of their parents, ethnicity and immigration status.[78]

41. The Committee on the Rights of the Child remained concerned that considerable numbers of children were neglected due to their parents' migration to urban areas or the AIDS-related death of parents.[79]

E. Freedom of expression, association and peaceful assembly, and the right to participate in public and political life

42. The country team noted that, since the coup, the National Council for Peace and Order had issued a number of orders primarily aimed at clamping down on press freedom and freedom of expression. It expressed concern about continued restrictions on freedom of expression, including the closing down of anti-junta media and websites, banning of books, arrests of persons for the expression of opinions and strict enforcement of broadly defined lese-majesty laws.[80]

43. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Thailand decriminalize defamation and place it within a civil code that is in accordance with international standards.[81]

44. The country team expressed concern about restrictions on freedom of assembly and association. In that regard, it noted that order No. 3/2015 of the National Council for Peace and Order banned organizing or taking part in public gatherings of more than five people and announcement No. 14/2014 banned any anti-National Council for Peace and Order protest/activities. The new Public Assembly Act, which came into effect on 13 August 2015, required protest organizers to notify authorities 24 hours in advance of the purpose and duration of the gathering and the venue. The law also banned public gatherings within 150 metres of government offices, airports, ports, bus and train stations, hospitals or royal residences.[82]

45. On 22 January 2016, OHCHR urged the Thai military to drop all charges against the 11 student activists arrested for violating a ban on political gatherings. They had been charged with violating an order published by the National Council for Peace and Order, which banned political gathering of more than five persons. Moreover, OHCHR expressed concern about the use of the order of the National Council for Peace and Order instead of a law under the Public Assembly Act of 2015, which meant that the case would be heard by a military court, which raised the risk of an unfair trial and left defendants with no right to appeal.[83] Previously regarding the same case, OHCHR expressed concern about the restrictions on fundamental freedoms imposed by the National Council for Peace and Order, adding that freedoms of expression and assembly were particularly important in resolving difficult political issues through dialogue and debate.[84]

46. The Committee on Economic, Social and Cultural Rights was concerned at the persistent gender-role stereotypes in the family and society, which resulted in a low level of women's representation in appointed and elected positions in the public and political decision-making.[85]

F. Right to work and to just and favourable conditions of work

47. The Committee on Economic, Social and Cultural Rights was concerned at the scale of the informal economy and a large number of individuals work without legal and social protection.[86] It recommended that Thailand strengthen its measures to eradicate forced labour, especially on fishing vessels. It also urged Thailand to ensure that employers violating labour rights are prosecuted.[87]

48. The same Committee was concerned that many domestic workers were not covered by the Home Workers Protection Act, thus not enjoying guarantees with regard to minimum wages, working hours, overtime payment and social security.[88]

49. The Committee recommended that Thailand ensure all workers receive a minimum wage that enables them to enjoy decent living conditions for themselves and their families and to eliminate the persistent wage gap between women and men.[89]

50. The Committee was concerned that educational personnel of private and public universities, workers of public organizations and non-Thai nationals did not have the right to form trade unions. It urged Thailand to extend the right to form trade unions to non-nationals.[90]

51. The Committee was concerned that, under the State Enterprise Labour Relations Act, all public sector employees did not enjoy the right to strike. It recommended that Thailand ensure that public sector employees who do not provide essential services are entitled to their right to strike.[91]

G. Right to social security and to an adequate standard of living

52. The Committee on the Elimination of Racial Discrimination was concerned about the inadequate access to social welfare and public services by certain ethnic groups because of language barriers and the limited availability of such services where they lived.[92]

53. The Special Rapporteur on the human right to safe drinking water and sanitation urged the Government to take affirmative action to reach "invisible" individuals caught in a protection gap, including migrants, indigenous populations, informal settlement dwellers and prisoners. She recommended that Thailand establish an independent regulator to undertake independent monitoring, particularly of water and sanitation quality and affordability, ensure genuine public participation and impose meaningful penalties for non-compliance; and ensure that funding of the water and sanitation sectors is reported by all concerned, including donors, private providers and non-governmental organizations, to obtain a complete picture of the resources allocated to the sectors and how different groups of the population are being targeted.[93]

54. The Committee on Economic, Social and Cultural Rights was concerned at reports that 10 per cent of families in urban areas lived in informal settlements, were vulnerable to forced evictions and encountered major problems in accessing basic services. It was also concerned that, despite a continuous decline in poverty, an estimated 10.94 per cent of the total population lived in poverty. It recommended that Thailand increase its efforts to overcome the housing shortage and ensure that persons living in informal settlements are protected against forced evictions and enjoy access to basic services, such as water and sanitation.[94]

55. The same Committee was concerned about reports that the implementation of its forest conservation policy had resulted in the destruction of crops and forced evictions, recommending that Thailand ensure forced evictions are only used as a measure of last resort and persons forcibly evicted are provided with adequate compensation and/or relocation.[95]

H. Right to health

56. The Committee on Economic, Social and Cultural Rights was concerned that the universal health care scheme did not adequately cover disadvantaged and marginalized individuals and groups, including persons with disabilities and persons living in remote rural areas, and that stateless persons, migrants, asylum seekers and refugees still faced obstacles in accessing basic health-care services.[96]

57. The same Committee recommended that Thailand take preventive measures to address the problem of the high rate of teenage pregnancies and unsafe abortions, strengthen its sexual and reproductive health education programmes that are age-appropriate for both boys and girls and ensure the accessibility, availability and affordability of sexual and reproductive health services.[97]

58. The same Committee was concerned that compulsory treatment and detention had adverse effects on the health of drug users, including increased infection of HIV and hepatitis, and on their reluctance to seek treatment.[98]

59. The Committee on the Rights of Child welcomed the decrease in the number of people who died of HIV/AIDS due to the use of antiretroviral drugs, although the coverage did not extend sufficiently to non-Thai populations such as migrants, refugees and asylum seekers.[99]

I. Right to education

60. The Committee on Economic, Social and Cultural Rights recommended that Thailand ensure all children under its jurisdiction effectively have access to free basic primary education, and address the reasons for school dropout and improve the overall quality of education, including by ensuring that teachers are well trained and fully qualified.[100]

61. The Committee on the Rights of Child regretted the low retention and transition rates persisting at all levels, with a substantial number of children without secondary education. It urged Thailand to encourage children, especially boys in the southern border provinces, to continue their education in secondary schools; and to implement the 2010 National Language Education Policy to ensure effective bilingual education from the early years especially for non-Thai-speaking children.[101]

62. The Committee on Economic, Social and Cultural Rights expressed concern at the reports of attacks on teachers and schools. It recommended that Thailand take all measures to ensure that schools and teachers are protected from attacks and that everyone has access to education.[102]

J. Cultural rights

63. The Committee on Economic, Social and Cultural Rights was concerned at the adverse effect of the excessive interpretation of lese-majesty on the enjoyment of the right of everyone to take part in cultural life.[103]

K. Persons with disabilities

64. The Committee on the Rights of Child was seriously concerned about the large number of children with disabilities who were not in school and that youth policies did not identify them as special target groups, as well as the limited proportion of children with disabilities who received education beyond the pre-primary level.[104]

L. Minorities and indigenous peoples

65. The Committee on Economic, Social and Cultural Rights was concerned at the denial of the traditional rights of ethnic minorities to their ancestral lands and natural resources, recommending removing all obstacles to enjoyment of traditional individual and

communal rights by ethnic minorities in their ancestral lands, and guaranteeing land tenure rights without discrimination to ensure access to land and adequate housing for all.[105]

66. The Committee on Economic, Social and Cultural Rights expressed concern at the lack of recognition of indigenous peoples by Thailand. In the light of the ongoing constitutional reform, it invited Thailand to give legal and political recognition to its indigenous peoples based on self-identification. It recommended guaranteeing the rights of indigenous peoples to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.[106]

67. The Committee on the Elimination of Racial Discrimination was concerned that the various forestry and environment protection laws could had a discriminatory effect on ethnic groups living in forests. It urged Thailand to review the relevant forestry laws in order to ensure respect for ethnic groups' way of living, livelihood and culture, and their right to free and prior informed consent in decisions affecting them.[107]

M. Migrants, refugees and asylum seekers

68. The country team noted that undocumented migrant workers, including adolescents, could be subject to deception and human trafficking by means of debt bondage, passport retention and physical abuse, particularly in fisheries, agriculture and as domestic helpers. It also noted cases of mass expulsions of migrant workers, and highlighted the need to take further steps to ensure migrant workers' rights to access to social services.[108]

69. The Special Rapporteur on trafficking recommended that Thailand review its labour and migration laws to accommodate the demands for cheap, low- or semi-skilled labour and provide for safe migration options, and eliminate vulnerabilities of migrant workers and their families to all forms of human trafficking. The Government should consider further extending the nationality verification process to irregular migrant workers without valid work permits and to those who did not complete the process before the previous deadline, and ensure that the process is efficient, transparent and cost-effective.[109]

70. The country team noted that there had been at least 155 persons subjected to refoulement either from within the territory of Thailand or as a result of non-admission between 2012 and mid-2015. It expressed concern that arrest and detention of refugees and asylum seekers, including children, continued to be a significant issue and a regular event.[110] The Committee against Torture was also concerned at the use of lengthy and indefinite detention in immigration detention centres for asylum seekers and migrants who entered Thailand undocumented.[111] In that regard, the country team, along with the Office of the United Nations High Commissioner for Refugees (UNHCR), recommended that Thailand apply existing Thai law permitting non-detention with a regular reporting requirement for refugees and asylum-seekers, institute a formal policy prohibiting the detention of refuge and asylum-seeking children and release all detained refugee and asylum-seeking children. It was also recommended that Thailand refrain from the refoulement of asylum seekers, refugees, migrants in refugee-like situations, and asylum-seeking or refugee victims of trafficking and smuggling.[112]

71. The Committee on Economic, Social and Cultural Rights urged Thailand to adapt its legal framework to ensure due protection of asylum seekers and refugees in line with its international obligations and the full enjoyment of their economic, social and cultural rights.[113]

72. The same Committee was concerned about reports that migrants and refugees, in particular Rohingyas, were left without access to emergency assistance after being denied the possibility to disembark their vessels. It called on Thailand to redouble its efforts, including through strengthened international and regional cooperation, to ensure that the

economic, social and cultural rights, including access to water, food and medical assistance, of all migrants and refugees arriving on boats are protected and to stop boat "push-backs".[114]

73. The Committee on the Elimination of Racial Discrimination welcomed the setting of the target of granting of legal status to about 300,000 persons within a time frame of three years.[115] The Committee on Economic, Social and Cultural Rights was concerned that a large number of persons, particularly among ethnic groups, migrants, refugees and asylum seekers, remained stateless. It recommended facilitating the naturalization and integration of stateless persons, including by addressing remaining gaps in the Nationality Act.[116]

N. Right to development, and environmental issues

74. The Committee on Economic, Social and Cultural Rights was concerned about the adverse effects of economic activities connected with the exploitation of natural resources, including large-scale projects such as the Map Ta Phut Industrial Estate. It recommended establishing participatory mechanisms to ensure that no decision is made that may affect access to resources without consulting the individuals and communities concerned, with a view to seeking their free, prior and informed consent.[117]

75. The same Committee recommended that Thailand ensure companies incorporated or with their main offices under the State's jurisdiction are legally accountable regarding violations of economic, social and cultural rights in their projects abroad, in particular in cross-border development projects.[118]

76. The Committee was concerned at shortcomings in the effective implementation of regulations on environmental quality and industrial activity to prevent harm. It recommended that Thailand comprehensively regulate environmental protection and ensure strict enforcement of its environmental legislation to prevent harmful effects on the health of the population.[119]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Thailand from the previous cycle (A/HRC/WG.6/12/THA/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Thailand before the Human Rights Council, as contained in the note verbale dated 22 July 2014 sent by the Permanent Mission of Thailand to the United Nations addressed to the President of the General Assembly.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed

Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[9] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[10] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189).

[11] See E/C.12/THA/CO/1-2, paras. 21 and 36, CRC/C/THA/CO/3-4, para. 86, CAT/C/THA/CO/1, para. 14, and CERD/C/THA/CO/1-3, para. 26. See also United Nations country team submission for the universal periodic review of Thailand, para. 3.

[12] See CAT/C/THA/CO/1, para. 8.

[13] See CRC/C/THA/CO/3-4, para. 10.

[14] See CERD/C/THA/CO/1-3, para. 8.

[15] Ibid., para. 11.

[16] See CRC/C/THA/CO/3-4, para. 42, and country team submission for the universal periodic review of Thailand, para. 3.

[17] See CRC/C/THA/CO/3-4, para. 69.

[18] Ibid., para. 75.

[19] See CERD/C/THA/CO/1-3, para. 25.

[20] See A/HRC/20/18/Add.2, para. 77.

[21] See E/C.12/THA/CO/1-2, para. 9.

[22] Ibid., para. 20.

[23] Ibid., para. 24.

[24] Ibid., para. 6.

[25] Press statement, "UN human rights chief alarmed by Thai Government's adoption of potentially unlimited and 'draconian' powers", 2 April 2016 (available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15793&LangID=E) and country team submission for the universal periodic review of Thailand, para. 9.

[26] See country team submission for the universal periodic review of Thailand, para. 11.

[27] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[28] The list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights is available from http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf.

[29] See E/C.12/THA/CO/1-2, para. 7.

[30] See CRC/C/THA/CO/3-4, para. 18. See also country team submission for the universal periodic review of Thailand, paras. 14-15.

[31] See country team submission for the universal periodic review of Thailand, para. 16.

[32] See CERD/C/THA/CO/1-3, para. 32.

[33] See CERD/C/THA/CO/1-3/Add.1.

[34] Letter dated 29 August 2014 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Thailand to the United Nations Office and other International organizations at Geneva, , p. 1, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_FUL_THA_18413_E.pdf.

[35] See CAT/C/THA/CO/1, para. 31.

[36] See CAT/C/THA/CO/1/Add.1.

[37] For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
[38] See E/C.12/THA/CO/1-2, para. 13.
[39] Ibid., para. 17. See also country team submission for the universal periodic review of Thailand, para. 23.
[40] See CERD/C/THA/CO/1-3, para. 9.
[41] See CERD/C/THA/CO/1-3, para. 21, and letter dated 15 May 2015 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Thailand to the United Nations Office and other international organizations in Geneva, available from www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Letters/Thailand15May2015.pdf.
[42] See CERD/C/THA/CO/1-3, para. 20.
[43] See country team submission for the universal periodic review of Thailand, para. 19.
[44] See CAT/C/THA/CO/1, para. 14.
[45] See E/C.12/THA/CO/1-2, para. 11.
[46] Press statement, "Zeid urges Thailand to fully investigate enforced disappearances", 6 January 2016, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16924&LangID=E. See also OHCHR Regional Office for Southeast Asia, press statement, "United Nations Human Rights Office urges the Royal Thai Government to expedite the investigation into the disappearance of a prominent Karen human rights defender", 16 April 2015.
[47] OHCHR Regional Office for Southeast Asia, press statement, "United Nations Human Rights Office concerned by the situation of human rights in relation to land in Thailand", 11 March 2015. See also OHCHR Regional Office for Southeast Asia, press statement, "Human rights defender advocating for land rights killed in southern Thailand", 13 February 2015.
[48] See E/C.12/THA/CO/1-2, para. 10.
[49] See CAT/C/THA/CO/1, para. 9.
[50] Ibid., para. 12.
[51] Ibid., para. 4.
[52] See country team submission for the universal periodic review of Thailand, para. 18.
[53] See CAT/C/THA/CO/1, para. 10.
[54] Ibid., para. 15.
[55] Ibid., para. 22.
[56] E/C.12/THA/CO/1-2, para. 28 (b).
[57] See CAT/C/THA/CO/1, paras. 18. See also para. 28.
[58] Ibid., para. 16.
[59] Ibid., para. 16.
[60] See CRC/C/THA/CO/3-4, para. 47.
[61] See E/C.12/THA/CO/1-2, para. 25.
[62] See CRC/C/OPAC/THA/CO/1, para. 13.
[63] Ibid., para. 18.
[64] See CRC/C/THA/CO/3-4, para. 85.
[65] See A/HRC/20/18/Add.2, para. 77.
[66] See E/C.12/THA/CO/1-2, para. 26.
[67] See A/HRC/20/18/Add.2, para. 77.
[68] See country team submission for the universal periodic review of Thailand, para. 17.
[69] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR calls for Thailand to stop civilian detentions in military barracks", 24 November 2015. Available at http://bangkok.ohchr.org/news/press/Thaideathsincustody.aspx.
[70] See CAT/C/THA/CO/1, para. 24.
[71] Ibid., para. 27.
[72] See CRC/C/THA/CO/3-4, paras. 79 and 80.
[73] See E/C.12/THA/CO/1-2, para. 8.
[74] See CAT/C/THA/CO/1, para. 19.
[75] See CRC/C/THA/CO/3-4, para. 45.
[76] Ibid., para. 31.
[77] See E/C.12/THA/CO/1-2, para. 14.
[78] See CRC/C/THA/CO/3-4, para. 44.

[79] Ibid., para. 54.
[80] See country team submission for the universal periodic review of Thailand, para. 20.
[81] See UNESCO submission for the universal periodic review of Thailand, para. 67.
[82] See country team submission for the universal periodic review of Thailand, para. 21.
[83] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR calls on Thai authorities to drop all charges against student activists", 22 January 2016.
[84] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR urges Thailand to release students", 30 June 2015.
[85] See E/C.12/THA/CO/1-2, para. 18.
[86] Ibid., para. 19.
[87] Ibid., para. 20.
[88] Ibid., para. 19.
[89] Ibid., para. 22.
[90] Ibid., para. 23.
[91] Ibid., para. 24.
[92] See CERD/C/THA/CO/1-3, para. 17.
[93] See A/HRC/24/44/Add.3, paras. 66 and 69.
[94] See E/C.12/THA/CO/1-2, para. 27.
[95] Ibid., para. 10.
[96] Ibid., para. 29.
[97] Ibid., para. 30.
[98] Ibid., para. 32.
[99] See CRC/C/THA/CO/3-4, para. 62.
[100] See E/C.12/THA/CO/1-2, para. 33. See also CRC/C/THA/CO/3-4, paras. 68 and 69.
[101] See CRC/C/THA/CO/3-4, paras. 68 and 69.
[102] See E/C.12/THA/CO/1-2, para. 34.
[103] Ibid., para. 35.
[104] See CRC/C/THA/CO/3-4, para. 56.
[105] See E/C.12/THA/CO/1-2, para. 10.
[106] Ibid., para. 9.
[107] See CERD/C/THA/CO/1-3, para. 16.
[108] See country team submission for the universal periodic review of Thailand, para. 45.
[109] See A/HRC/20/18/Add.2, para. 77.
[110] See country team submission for the universal periodic review of Thailand, para. 46.
[111] See CAT/C/THA/CO/1, para. 21.
[112] See country team submission for the universal periodic review of Thailand, paras. 46–47, and UNHCR submission for the universal periodic review of Thailand, p. 13. See also press statement, "High Commissioner Zeid: Pushbacks endanger thousands in Bay of Bengal", 15 May 2015.
[113] See E/C.12/THA/CO/1-2, para. 15.
[114] Ibid., para. 16.
[115] See CERD/C/THA/CO/1-3, para. 14.
[116] See E/C.12/THA/CO/1-2, para. 14. See also country team submission for the universal periodic review of Thailand, para. 48, and UNHCR submission for the universal periodic review of Thailand, p. 10.
[117] See E/C.12/THA/CO/1-2, para. 10.
[118] Ibid., para. 12.
[119] Ibid., para. 31.